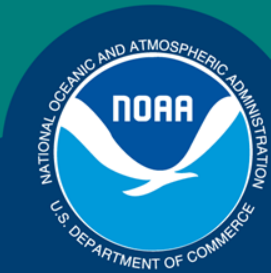


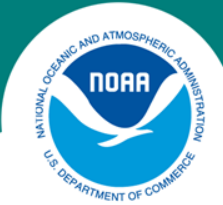
Science, Service, Stewardship



River herring (alewife and blueback herring) petition and NMFS response

Tara Trinko Lake
Protected Resources Division

**NOAA
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Presentation overview

- Discuss Endangered Species Act petition process
- Present Endangered Species Act definitions
- Discuss petition contents
- Present status review process
- Discuss NMFS response and next steps
- Present possible outcomes



Petition Process



- Any interested person can petition the Secretary of Interior and/or Commerce to list a species under the Endangered Species Act (ESA)
- Upon receiving a petition, the Secretary must make a finding within **90 days** (to the maximum extent practicable) as to whether the petition presents “substantial scientific or commercial information indicating that the petitioned action **may be warranted.**”

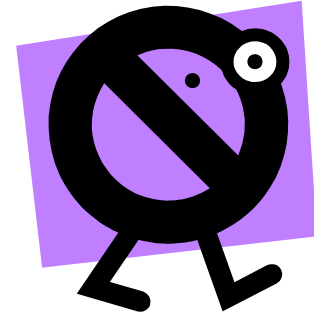


Substantial information

Defined as “the amount of information that would lead a **reasonable person** to believe that the measure proposed in the petition **may be warranted**.”



Negative 90 day finding



- Petition and/or information readily available in our files **does not** contain substantial scientific or commercial information indicating the petitioned action may be warranted
- Publish a notice in the *Federal Register* announcing the negative finding
- End of the process



Positive 90 day finding



- Petition and/or information readily available in our files **does** contain substantial scientific or commercial information indicating the petitioned action may be warranted
- Publish positive 90 day finding in the *Federal Register*
- Information may be solicited in the *FR* notice to address data gaps
- Species becomes a NMFS **Candidate Species**



Positive finding continued

- Initiate a review of the status of the species concerned
- This includes compiling best available information, conducting threats assessment/extinction risk analysis, and submitting report/information to NMFS to make listing determination
- 12 months from **date of receipt of petition** – determination by NMFS as to whether listing is warranted must be published in *FR* (proposed rule if listing is determined to be warranted)



ESA definitions

Species = includes any subspecies of fish or wildlife or plants, and any distinct population segment (DPS) of any species or vertebrate fish or wildlife which interbreeds when mature

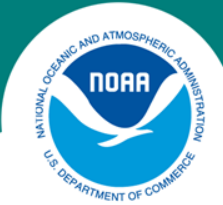
Endangered species = any species which is in danger of extinction throughout all or a significant portion of its range

Threatened species = any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range



Five Factors

Section 4(a)(1) of the ESA states that “The Secretary shall by regulation promulgated in accordance with subsection (b) determine whether any species is an endangered species or a threatened species because of any of the following factors:



Five Factor Analysis

- A. the present or threatened destruction, modification, or curtailment of its habitat or range;
- B. overutilization for commercial, recreational, scientific, or educational purposes;
- C. disease or predation;
- D. the inadequacy of existing regulatory mechanisms;
- E. other natural or manmade factors affecting its continued existence



NRDC petition

- Petition to list both species or distinct population segments (DPS) of river herring as threatened and designate critical habitat
- Petition notes dramatic declines in coast-wide abundance
- Fishing-related mortality, water pollution, dams, dredging and global warming were identified in the petition as primary threats



Alewife



**Blueback
Herring**



NRDC petition continued

Alewives

- List one distinct population segments (DPS) of alewife as threatened
- Alternatively list four DPSs as threatened
 - Central New England
 - Long Island Sound
 - Chesapeake Bay
 - Carolina



NRDC petition continued

Blueback herring

- List one distinct population segments (DPS) of blueback herring as threatened
- Alternatively list three DPSs as threatened
 - Central New England
 - Long Island Sound
 - Chesapeake Bay



NMFS Response

- Positive 90-day finding concluding that petition presents substantial information indicating petitioned action **may be warranted** published on November 2, 2011 (76 FR 50541)
- 90-day finding sought scientific and commercial information until February 3, 2012

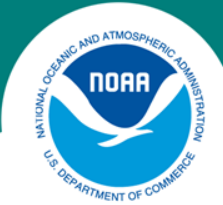
<http://www.nero.noaa.gov/nero/regs/frdoc/11/1190dayindingriverherring.pdf>





Status Review Process

- Compile best available scientific and commercial information on the status, abundance and trends of both species (e.g. stock assessment, working group reports, and peer reviews)
- Five factor analysis
- Conduct a threats assessment and extinction risk analysis (may be quantitative or qualitative)
- Consider information on “significant portion of the species range” (e.g., are there areas where the species/DPS is no longer viable (self-sustaining), but once was?)



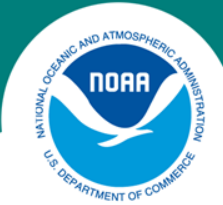
Status Review Process continued

- Consider ongoing or planned protective efforts that may affect the species
- Present available information on elements of habitat needed for survival and recovery (e.g., size of habitat, number of different habitats needed for connectivity)
- Under the ESA, **economic impacts of a listing cannot** be considered



ASMFC Report

- NMFS-NERO staff has been coordinating with ASMFC to identify gaps between stock assessment information and information needed for review of the status of the species



NMFS response continued

- NMFS will host three workshops on alewife and blueback herring
 - Stock Structure Workshop June 22th in Gloucester, MA
 - Working Group meeting- June 20- 21th
 - Extinction Risk Workshop July 10th in Boston, MA
 - Working Group meeting- July 11-12th
 - Climate Change Workshop July 18-19th in Gloucester, MA



Next Steps

- Reports from working group meetings will be peer reviewed
 - Stock assessment and Extinction Risk workshop reports- independently peer reviewed by Center for Independent Experts (CIE)
 - Climate change- peer reviewed, NMFS is seeking qualified peer reviewers
- NMFS will use stock assessment results and working group reports/products to make a listing determination (e.g., listing is or is not warranted)



Possible outcomes

- NMFS proposes to list the species as **endangered**
- NMFS proposes to list the species as **threatened**
- NMFS determines that listing is **not warranted**



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